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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,223	05/30/2001	Doreen Lynn Galli	RSW920010033US1	8092
30449 7590 10/12/2007 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			EXAMINER KANG, INSUN	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 10/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/870,223

Applicant(s)

GALLI, DOREEN LYNN

Examiner

Insun Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 14, 15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 14, 15, and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 7/30/2007.
2. As per applicant's request, claims 10-13 and 16 have been cancelled, claims 9, 14, 15, and 17 have been amended and claims 18-25 have been added. Claims 9, 14, 15, and 17-25 are pending in the application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Per claim 9:

Osder discloses: a method for selecting a voice prompt ...the method comprising the steps of:

- providing a variable associated with the voice prompt by the application program (i.e. the SPIN application table 1 in Fig 3 assigns the values of the Ids (variable) such as UV10AE etc to point to the prompt element sets such as the tables 2-5 containing the pre-recorded prompts in SPINDB)
- assigning a first value to the variable by accessing an assignment table that is held outside the compiled code of the application program (i.e. A SPIN Application table 1 in

- Fig 3 lists the SPIN applications 1 to N with SPIN application IDs (identifiers) for American English, Spanish, Dutch, etc (Osder, see Fig 3). For example, the ID, “UV10AE,” in column 1 identifies American English. These SPIN application IDs designate “a set of prompts and their related entities in the SPIN database and in the Voice File,” Osder, col. 28 lines 30-32; The tables in SPIN database are held outside of the Network Application and therefore, the meta-language variables to the tables are read from outside of the Network Application, Osder, col. 3 lines 48-51; col. 27 lines 27-41)
- identifying a first database record that includes a digitally encoded voice prompt consisting of a first bit pattern that consists of a first contiguous sequence of bits, wherein said identifying the first database record is implemented through use of the first value which selects the first database record and specifies the first bit pattern; reading the identified first database record (i.e. the ID, “UV10AE,” in column 1 identifies American English in Fig 3. These SPIN application IDs designate “a set of prompts and their related entities in the SPIN database and in the Voice File (Osder, col. 28 lines 30-32).” The SPIN application ID, “UV10AE” “provides a unique identifier that represents both the set of prompts that a Network Application can play and a specific language,” Osder, col. 28 lines 32-37; The NAP Message IDs corresponding to the recorded voice elements are stored in a SPIN Data Base (SPINDB),” col. 3 lines 48-60)
 - passing the first bit pattern from the first database record that had been read to an audio apparatus (“The voice for the elements can be recorded through NAP and stored in the NAP voice file,” col. 3 lines 48-61; “The Network Application issues a PEP command to send a prompt,” col. 4 lines 5-25; col. 6 lines 11-31)

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- performing, by the audio apparatus, a digital-to-analog conversion of the first bit pattern that had been passed to the audio apparatus (i.e. The NAP is a digital platform storing the voice prompts in SPINDB as a digital format and converting them to speech when the Network application invokes playing of the prompts (col. 5 lines 42-56)
- speaking, by the audio apparatus, a first message to a telephone caller, said first message consisting of the digital-to-analog converted first bit pattern (i.e. “you have five new messages,” col. 5 lines 42-56).

Per claim 18:

Osder further discloses:

- assigning a second value to the variable by accessing the assignment table, wherein the second value of the variable differs from the first value of the variable (i.e. A SPIN Application table 1 in Fig 3 lists the SPIN applications 1 to N with SPIN application Ids (identifiers) for American English, Spanish, Dutch, etc (Osder, see Fig 3). For example, the ID, “UV10AE,” in column 1 identifies American English. These SPIN application IDs designate “a set of prompts and their related entities in the SPIN database and in the Voice File,” Osder, col. 28 lines 30-32; The tables in SPIN database are held outside of the Network Application and therefore, the meta-language variables to the tables are read from outside of the Network Application, Osder, col. 3 lines 48-51; col. 27 lines 27-41)
- replacing the first value of the variable in the assignment table with the assigned second value of the variable (i.e. col. 3 lines 64- col. 4 lines 1-5).

- identifying a second database record that includes a digitally encoded voice prompt consisting of a second bit pattern that consists of a second contiguous sequence of bits, wherein the second bit pattern differs from the first bit pattern, and wherein said identifying the second database record is implemented through use of the second value which selects the second database record and specifies the second bit pattern; reading the second database record; (i.e. the ID, “UV10AE,” in column 1 identifies American English in Fig 3. These SPIN application IDs designate “a set of prompts and their related entities in the SPIN database and in the Voice File (Osder, col. 28 lines 30-32).” The SPIN application ID, “UV10AE” “provides a unique identifier that represents both the set of prompts that a Network Application can play and a specific language,” Osder, col. 28 lines 32-37; The NAP Message Ids corresponding to the recorded voice elements are stored in a SPIN Data Base (SPINDB),” col. 3 lines 48-60)
- passing the second bit pattern from the second database record that had been read to the audio apparatus (“The voice for the elements can be recorded through NAP and stored in the NAP voice file,” col. 3 lines 48-61; “The Network Application issues a PEP command to send a prompt,” col. 4 lines 5-25; col. 6 lines 11-31)
- performing, by the audio apparatus, a digital-to-analog conversion of the second bit pattern that had been passed to the audio apparatus (i.e. The NAP is a digital platform storing the voice prompts in SPINDB as a digital format and converting them to speech when the Network application invokes playing of the prompts (col. 5 lines 42-56)

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- speaking, by the audio apparatus, a second message to a telephone caller, said second message consisting of the digital-to-analog converted second bit pattern (i.e. "you have five new messages," col. 5 lines 42-56).

Per claim 19:

Osder further discloses: wherein said assigning the second value and said replacing the first value with the second value are performed by an interactive voice response (IVR) system administrator (i.e. col. 3 lines 64- col. 4 lines 1-5).

Per claim 20:

Osder further discloses: wherein said replacing the first value with the second value by the IVR system administrator does not comprises using special IVR programming skill to replace the first value with the second value (i.e. col. 3 lines 64- col. 4 lines 1-5, 33-37).

Per claim 21:

Osder further discloses:

wherein the voice prompt pertaining to the first bit pattern in the first database record is in a first language; wherein the voice prompt pertaining to the second bit pattern in the second database record is in a second language that differs from the first language; wherein said speaking the first message comprises speaking the first message consisting of the digital-to-analog converted first

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bit pattern in the first language; and wherein said speaking the second message comprises speaking the second message consisting of the digital-to-analog converted second bit pattern in the second language (i.e. "Index Prompt Tables under three different SPIN applications...to support three different languages," col. 6 lines 33-46; lines 61-67; col. 7 lines 4-21; col. 8 lines 35-36) as claimed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, 15, 17, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Per claim 14:

Osder does not explicitly teach pertaining to the first bit pattern in the first database record consists of music wherein said speaking the first message comprises speaking the first message consisting of the digital-to-analog converted first bit pattern as said music. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include music voice prompts as callers may have different preferences and

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purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 15:

Osder does not explicitly teach pertaining to the first bit pattern in the first database record consists of audio tone wherein said speaking the first message comprises speaking the first message consisting of the digital-to-analog converted first bit pattern as said audio tone.

However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include audio tone of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 17:

Osder does not explicitly teach pertaining to the first bit pattern in the first database record consists of a sequence of beeps wherein said speaking the first message comprises speaking the first message consisting of the digital-to-analog converted first bit pattern as said a sequence of beeps. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include various voice prompts such as including beeps as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

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Per claim 22:

Osder does not explicitly teach that the voice prompt pertaining to the first bit pattern in the first database record is spoken by a first speaker; wherein the voice prompt pertaining to the second bit pattern in the second database record is spoken by a second speaker; wherein said speaking the first message comprises speaking by the first speaker the first message ... wherein said speaking the second message comprises speaking by the second speaker the second message consisting of the digital-to-analog converted second bit pattern. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different voice prompts spoken by different speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different purposes.

Per claim 23:

Osder does not explicitly teach that the voice prompt pertaining to the first bit pattern in the first database record is spoken by a male speaker; wherein the voice prompt pertaining to the second bit pattern in the second database record is spoken by a female speaker; wherein said speaking the first message comprises speaking by the male speaker the first message ... wherein said speaking the second message comprises speaking by the female speaker the second message consisting of the digital-to-analog converted second bit pattern. However, it would have been obvious for one having ordinary skill in the art of computer software development and

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configuration to include different voice prompts spoken by male and female speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 24:

Osder does not explicitly teach the voice prompt pertaining to the first bit pattern in the first database record has a first level of formality; wherein the voice prompt pertaining to the second bit pattern in the second database record has a second level of formality that differs from the first level of formality; wherein said speaking the first message ...second message consisting of the digital-to-analog converted second bit pattern having the second level of formality. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different level of formality of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 25:

Osder does not explicitly teach that the voice prompt pertaining...spoken by a speaker in a first wording and conveys a meaning...second wording that differs from the first wording and conveys said meaning...in the first wording that conveys said meaning...second bit pattern in the second wording that conveys said meaning. However, it would have been obvious for one having

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ordinary skill in the art of computer software development and configuration to include various voice prompts such as including a dialect as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Response to Arguments

7. Applicant's arguments filed on 7/30/2007 have been fully considered but they are not persuasive.

The Applicant states that Osder's voice prompt is generated by the assembling step from two distinct bit patterns located in different database records and the static and dynamic elements are stored in separate tables, therefore do not collectively constitute a bit pattern that is stored in the first database record (page 11).

In response, although the applicant manipulated the claim language in attempt to overcome Osder, the examiner finds the amended claims are same in scope with the previous claims. Furthermore, the voice prompt elements are stored in the Spin database (see Fig. 3 and 5DA; col. 11 lines 23-32; 40-48 and col. 19 lines 38-67 for detailed information). The spin database provides digitally recorded voice prompt elements to be played.

Per claims 14, 15, 17, and 22-25:

These claims are directed to the same subject matters that had been addressed previously. Therefore, the same arguments are not necessary to present. See the previous office actions and the decision made by the BOAI on 2/21/2007.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 8:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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